

Entered on Docket

January 31, 2011

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



Signed: January 31, 2011

EDWARD D. JELLEN
U.S. Bankruptcy Judge

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8 UNITED STATES BANKRUPTCY COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 In re:

Case No. 10-71694 EDJ

11 KENNETH CALVIN MCBEE,
Debtor.

Chapter 13

13 ORDER VALUING LIEN OF JP
MORGAN CHASE, NA

14 /
15 On January 4, 2011, Kenneth McBee (hereinafter Debtor) served a
16 motion to value the lien of JP Morgan Chase Bank, NA ("Chase")
17 (hereinafter Lienholder) against the property commonly known as 45
18 Baldwin Avenue, Crockett, CA 94525, which lien was recorded in Contra
19 Costa County on or about December 27, 2007 as document 034733200
20 (hereinafter the Lien).

21 The court finds that notice of the motion upon Lienholder was
22 proper. Lienholder having failed to file timely opposition to Debtor's
23 motion, the court hereby orders as follows:

24 (1) For purposes of Debtor's chapter 13 plan only, the Lien is
25 valued at zero, Lienholder does not have a secured claim, and the Lien

1 may not be enforced, pursuant to 11 U.S.C. §§ 506, 1322 (b) (2) and
2 1327.

3 (2) This order shall become part of Debtor's confirmed chapter 13
4 plan.

5 (3) Upon entry of a discharge in Debtor's chapter 13 case, the
6 Lien shall be voided for all purposes, and upon application by Debtor,
7 the court will enter an appropriate form of judgment voiding the Lien.

8 (4) If Debtor's chapter 13 case is dismissed or converted to one
9 under another chapter before Debtors obtain a discharge, this order
10 shall cease to be effective and the Lien shall be retained to the
11 extent recognized by applicable nonbankruptcy law, and upon
12 application by the Lienholder, the court will enter an appropriate
13 form of order restoring the Lien.

14 (5) Except as provided by separate, subsequent order of this
15 court, the Lien may not be enforced so long as this order remains in
16 effect.

17 *** END OF ORDER ***

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COURT SERVICE LIST

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